APPENDIX.

United States Circuit Court of Appeals, Fourth Circuit.

No. 5108.

PIEDMONT FIRE INSURANCE COMPANY, *Appellant*,

v.

HARRY J. AARON, ET ALS., *Appellees*.

Affidavit of Harry J. Aaron, Appellee.

STATE OF VIRGINIA,
City of Newport News, to-wit:

This day personally appeared before me, Corinne Siceloff, a Notary Public in and for the City of Newport News, State of Virginia, Harry J. Aaron, who being first duly sworn, doth depose and say:

1. That he is the principal appellee in the case of *Piedmont Fire Insurance Company* v. *Harry J. Aaron, et als.*, No. 5108, on appeal from the District Court of the United States for the Eastern District of Virginia, at Newport News, pending in the United States Circuit Court of Appeals for the Fourth Circuit.

2. That while it is alleged in the complaint of the appellant (Appendix, p. 7) that at the time of the fire storage receipts had issued to 934 persons, there had actually been issued 976 such receipts; each receipt setting forth the value of the garment, which value fixed the maximum liability of this appellee in the event of loss or damage while stored.

3. That he is informed and believes that at the time of the pre-trial conference in this case, among other representations of facts made to the Judge of the District Court for the Eastern District of Virginia, it was stated that

more than 900 of the possible claimants had had their claims adjusted and paid by this appellee.

4. This affiant further says that all of the thirty-four named holders of receipts set forth in the petition of the appellant have had their losses satisfactorily adjusted and settled by and with this appellee; that of the total of 976 holders of receipts, all have been settled with the exception of one who is interned in Japan, one who has not accepted settlement, and eight whose claims have been settled by insurance companies carrying individual policies on said furs. These companies holding the eight claims by subrogation have agreed to await the outcome of this suit and are not insisting upon adjustment of their claims at this time.

5. This affiant further says that the sum total of the values declared on the storage receipts in the ten unsettled claims is $1,500.00 so that the maximum outstanding liability that he may have to the parties holding such receipts is $1,500.00.

6. This appellee hereby offers, upon order of the Court, to deposit $1,500.00 in the registry of the Court to the credit of this cause for the settlement of the outstanding claims, or upon order of the Court, offers to deposit bond in that sum with approved surety, to assure the proper settlement of the outstanding claims.

And further this affiant saith not.

(s) HARRY J. AARON.

Subscribed and sworn to before me in the City of Newport News, Virginia, this 21st day of September, 1943.

(s) CORINNE SICELOFF,
Notary Public.

My commission expires February 14, 1945.